

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

DIMITRI Z. STORM,  
Petitioner,  
v.  
GAVIN NEWSOM,  
Respondent.

No. 2:23-cv-00819 KJM DB P

ORDER

Petitioner, an inmate at California Substance Abuse Treatment Facility (“SATF”), initiated this action with a “Petition for Writ of Mandate Under [the] California Constitution... [and] Code of Civil Procedure....” (ECF No. 1.) On February 13, 2024, the undersigned recommended the petition for writ of mandate be dismissed for lack of subject matter jurisdiction and the accompanying application to proceed in forma pauperis be denied. (ECF No. 5.)

Petitioner has filed another application to proceed in forma pauperis. (ECF No. 6.) Petitioner has also filed a letter to the undersigned requesting an extension of time to file “the Amended Complaint i.e., Writ of Mandate.” (ECF No. 7.)

Petitioner has not been granted leave to file an amended pleading. To the contrary, as set forth above, the undersigned recommended this action be dismissed without leave to amend for lack of subject matter jurisdiction. (ECF No. 5.) Accordingly, the court will construe petitioner’s

request for extension of time as requesting an extension of time to file objections to the findings and recommendations filed on February 13, 2024. So construed, the request is granted.

In accordance with the above, IT IS HEREBY ORDERED as follows:

1. The Clerk of the Court is directed to serve petitioner with a copy of the findings and recommendations filed on February 13, 2024 (ECF No. 5).

2. Petitioner's letter requesting an extension of time (ECF No. 7) is construed as a request for extension of time to file objections to the findings and recommendations filed on February 13, 2024; so construed, the request is granted.

3. Petitioner is granted an extension of time of 30 days from the date of this order in which to file objections to the findings and recommendations filed on February 13, 2024.

Dated: March 19, 2024

  
DEBORAH BARNES  
UNITED STATES MAGISTRATE JUDGE

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